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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,645	01/10/2001	Jeffrey Allen Hamilton	007216-7	9524
36178	7590	11/16/2005	EXAMINER	
LEE G. MEYER, ESQ. MEYER & ASSOCIATES, LLC 17462 E. POWERS DRIVE CENTENNIAL, CO 80015-3046			TANG, SON M	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/758,645

Applicant(s)

HAMILTON ET AL.

Examiner

Son M. Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20,22,23,26-32,34-42,44-49,51 and 52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20,22,23,26-32,34-42,44-49,51 and 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1- 20, 22-23, 26-32, 34-42, 44-49 and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mackey et al. [US 6,141,611] in view of Gehlot [US 6,163,277].

Regarding to claim 1: Mackey et al. disclose a device which met by a computer of an insurance company [25], for wireless code access data is from remote vehicle, that including incident video data from a remote vehicle continuous incident recording system [14] located on a vehicle [10], and a transceiver 26 adapted to transmit the accessed data from the vehicle continuous incident recording system 14 to the device [25] or to a secure location [19, 20] separate from the device as [shown in Fig. 1, and an Abstract, and col. 1, lines 31-48, col. 2, lines 35-40]

Mackey et al. does not specific show that the computer [25] comprises an interface for transmitting a code to the remote incident recording system, and an information data link, for receiving the accessed data. Since, it is a communication concept for accessing information from a remote source, whether directly or indirectly through a server is known in the art.

Gehlot teaches that, both insurance company and the police are interested in accessing continuous vehicle stored incident data such as driving pattern (e.g. reckless driving and over speed incidents), and that insurance companies and police access to such data is through

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automatic transmission from the vehicle, while police can also directly access such data from the vehicle through direct request which (inherently or obviously) coded access, [as cited in col. 2, lines 30-50 and col. 7, lines 22-25].

It would have been obvious to include direct access by police such as taught by Gehlot, into the system of Mackey et al. that stores continuous vehicle incident data, such as scenes video, speed, engine, brake and location information associated with accident scene, which are also known to be sought by police to, on the go, identify and detain vehicle drivers fleeing the scene of an accident for example.

Regarding to claim 2: Mackey et al. further disclose a data storage device [28].

Regarding to claim 3: the claimed "information storage device is a hard disk drive" is inherent in the vehicle on-board system see Fig. 2.

Regarding to claim 4: Mackey et al. further disclose a processor includes a lock device to lock the memory so that altered data cannot be stored (overwritten) [as cited in col. 3, lines 40-43].

Regarding to claims 5-6 and 14-16: Mackey et al. further disclose the vehicle information comprises vehicle identification, time, dynamic, control, and video information [as cited in col. 2, lines 54- 55 and Summary of the Invention].

Regarding to claims 7-13: Mackey et al. disclose a computer 25 uses to retrieve video information, it obvious of one ordinary skill in that art would recognize that the computer 25 should have a screen monitor for viewing information display includes audio information.

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Regarding to claims 17-20: Mackey et al. and Gehlot disclose the instant invention above, they fail specify a second transceiver, as stated in claim 1 above that, the computer 25 requires a transceiver or compatible component for communicating on an Internet.

Mackey et al. and Gehlot both are failing to show wherein the transceiver includes a download trigger for initiating downloading of information in respond to the occurrence of a predetermined event.

As stated in col. 2, line 30-35 by Mackey et al. that the incident recording system is automatic transmits data information to the data base upon an incident occurred. It would have obvious of one having ordinary skill in the art would recognize that the incident recording system is pre-program the occurrence of a predetermined event (such as accident) and transmits data to the base station, therefore, at the base station the transceiver triggered the receiver to receive data information from the incident recording system.

Regarding to claims 22-23: Mackey et al. further disclose that the incident recording system includes encrypted information [cited in col. 3, lines 31-32], Mackey et al. does not specify about decrypt information, however, it would have been obvious of one having ordinary skill in the art would recognize that in order to read the encrypted information the system would have to decrypt the information prior to retrieve.

Regarding to claims 26-27: Mackey et al. further disclose a transmission link via satellite [cited in Fig. 1 and Abstract].

Regarding to claims 28-30: Refer to claims 17-20 above.

Regarding to claims 31-32: Refer to claim 1 above.

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Regarding to claim 34: Mackey et al. and Gehlot disclose the instant invention, except for wherein the secure location is a hospital, police station or fire station. However, as long as the data information is being transmitted and retrieved, whether is being used for hospital, police or fire fighter is consider as an obvious of intention use.

Regarding to claim 35: Mackey et al. and Gehlot disclose the instant invention, they are not specify wherein the interface is a limited access interface. It is obvious of one having ordinary skill in the art would recognize that each interface has it own limited speed for access information (e.g. 56K modem).

Regarding to claims 36-42, 44-49 and 51-52: The claimed method steps are interpreted and rejected as rejection stated above.

### ***Response to Arguments***

1. Applicant's arguments filed 6/30/05 have been fully considered but they are not persuasive. Applicant argued that, (1) Mackey does not teach a coded access of incident data, and Gehlot does not teaches the means by which such access between vehicles to be accomplished, and suggest the coded access. (2) The motivation to combine Mackey and Gehlot.

Examiner responds, (1) Mackey et al. as primary reference already teaches coded access by authorized code [col. 2, lines 38-40], and the police officer of Gehlot constitutes an authorized party that directly access from the vehicle's recorded system, such that the rejection indicated that in the context Gehlot coded access by police officer is inherent or obvious, since the system otherwise can not distinguish the police officer as an authorized party. (2) In responding to the argued motivation to combine, as indicated in the rejection, it would have been obvious to

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include direct access by police such as taught by Gehlot, into the system of Mackey et al. that stores continuous vehicle incident data, such as scenes video, speed, engine, brake and location information associated with accident scene, which are also known to be sought by police to, on the go, identify and detain vehicle drives fleeing the scene of an accident for example.

***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

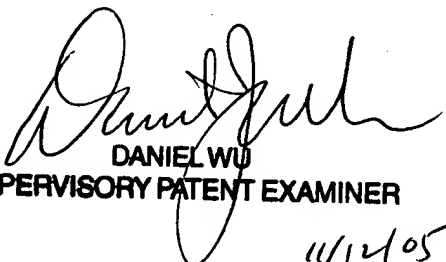
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Tang3

  
DANIEL WU  
SUPERVISORY PATENT EXAMINER  
11/12/05